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8                   UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA  
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10                   AMEDEO NAPPI,

11                   Plaintiff,

CASE NO. C07-5256BHS

12                   v.

13                   FEDEX GROUND PACKAGE  
SYSTEM, INC.,

14                   Defendant.

15                   ORDER DENYING  
PLAINTIFF'S MOTION TO  
EXTEND TIME TO FILE  
DOCUMENTS AND TO  
AMEND COMPLAINT AND  
GRANTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

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18         This matter comes before the Court on Plaintiff's Motion to Extend Time to File  
19         Documents and to Amend Complaint (Dkt. 21) and Defendant's Motion for Summary  
20         Judgment (Dkt. 15). The Court has considered the pleadings filed in support of and in  
21         opposition to the motions, the declarations submitted in support and opposition to the  
22         motions, and the remainder of the file herein, and hereby denies Plaintiff's motion and  
23         grants Defendant's motion for the reasons stated herein.

24         Plaintiff filed his motion to extend time and to amend his complaint on March 21,  
25         2008. Dkt. 22. Plaintiff seeks to extend time to allow for further discovery. *Id.* at 2.  
26         Defendant contends, and nothing in the record indicates to the contrary, that it has  
27         provided all relevant documentation to Plaintiff. Dkt. 22 at 3. The deadline for discovery  
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1 motions was December 14, 2007 and the deadline for amending pleadings was November  
2 6, 2007. Plaintiff's motion is thus untimely and should be denied. It is not necessary to  
3 decide Defendant's motion to strike Plaintiff's declaration in support (Dkt. 25), as the  
4 Court has not considered this information due to Plaintiff's failure to comport with the  
5 procedural requirements of his motion.

6 Pursuant to *Hall v. North American Van Lines, Inc.*, 476 F.3d 683 (9th Cir. 2007),  
7 all of Plaintiff's claims are preempted by the Carmack Amendment. Defendant's motion  
8 for summary judgment should be granted and Plaintiff's claims should be dismissed  
9 without prejudice.

10 Therefore, it is **ORDERED** that Plaintiff's Motion to Extend Time to File  
11 Documents and to Amend Complaint (Dkt. 21) is hereby **DENIED**. Defendant's Motion  
12 for Summary Judgment (Dkt. 15) is hereby **GRANTED**, and Plaintiff's claims are hereby  
13 **DISMISSED without prejudice.**

14 DATED this 1st day of April, 2008.

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18 BENJAMIN H. SETTLE  
19 United States District Judge  
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